

**MEMO ENDORSED**

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May 6, 2013

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**BY ELECTRONIC MAIL**

Honorable Richard J. Sullivan  
United States District Court Judge  
United States District Court  
for the Southern District of New York  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: Securities and Exchange Commission v. Emanuel Goffer;  
09 Civ. 09208 (RJS).

Dear Judge Sullivan:

As Your Honor will recall, I represented the defendant Emanuel Goffer in his criminal case that was tried before you, and I have also represented him in the above-captioned S.E.C. matter pending before this Court. I write this letter on behalf of Mr. Goffer and Brian D. Vann, Esq., attorney for the S.E.C., and pursuant to Your Honor's April 4, 2013 endorsed letter directing that the parties submit a joint letter on or before May 6, 2013, updating the Court as to the status of our efforts to resolve this matter.

Since I submitted the April 4, 2013 joint letter to Your Honor on behalf of Mr. Goffer and the S.E.C., my staff has communicated with the staff of the Lewisburg Prison Facility and has sent a package to Mr. Goffer containing certain forms which Mr. Goffer is required to complete before the S.E.C. can begin its final review of a proposed settlement offer that would bring the S.E.C.'s case to conclusion. Prior to sending the package of documents to Mr. Goffer, my staff worked with Mr. Goffer's wife, Jill Goffer (who is an attorney), to prepare drafts of the S.E.C. settlement-related documents containing various financial-related information which

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would assist Mr. Goffer in completing the S.E.C. forms. My staff has also been working with Ms. Goffer to obtain various bank statements and other financial records which are required by the S.E.C.

Today, I received a package from Mr. Goffer containing the completed S.E.C. settlement-related forms. My staff is in the process of reviewing the completed forms and compiling and organizing the various bank statements, financial records and tax returns to be included in the materials to be sent to the S.E.C.; and I hope to be able to send the complete package of documents to the S.E.C. tomorrow by Federal Express.

On behalf of Mr. Goffer and his family, I extend my profound appreciation to S.E.C. counsel and to the Court for their patience in this matter.

Pursuant to Your Honor's Individual Rule of Practice 1(A), I am submitting this letter by email to your chambers and not through the electronic case filing (ECF) system.

Respectfully submitted,



Michael S. Ross

cc: Brian D. Vann, Esq.  
U.S. Securities and Exchange Commission  
(By electronic mail)

IT IS HEREBY ORDERED THAT the parties shall submit a joint letter updating the Court as to the status of their settlement negotiations on or before May 31, 2013.

SO ORDERED  
Dated:   
RICHARD J. SULLIVAN  
U.S.D.J.

5/7/13